



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,802	12/12/2003	Russell Smith	006242.00046	8820

22907 7590 06/16/2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,802

Applicant(s)

SMITH, RUSSELL

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/04, 6/10/04, 5/12/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert (US 2004/0154264) in view of Takahashi et al. (US 2003/0113520) or Sugimoto et al. (US 4,514,471). Colbert discloses a coated gypsum board product comprising a gypsum core and facing sheets (abstract). The board can be coated with paper on both sides thereof [0012]. In some applications, the facing sheet is a paper blended with mineral or synthetic fibers [0067]. The coating contains calcium carbonate, fillers, latex emulsions, and perlite filler [0015]. A silicone derivative is added as a hydrophobic agent [0035]. It should be noted that the Examiner is equating the calcium carbonate and perlite filler of Colbert to be the same as Applicant's fillers and the latex emulsion of Colbert to be the same as Applicant's binder. UV radiation resistance is obtained by exposing the overall surfaces to UV wavelengths [0039]. Colbert discloses the claimed invention except for the teaching that the coating is a radiation curable coating formulation.

Takahashi et al. (US 2003/0113520) disclose a decorative material comprising a substrate and a protective layer that comprises an ionizing radiation-cured resin (abstract). The substrate can be a gypsum board or a glass fiber nonwoven fabric or other various fabric substrates [0105]. Sugimoto et al. (US 4,514,471) disclose a process for the preparation of cured and coated gypsum

panel (abstract). The coating comprises an ultraviolet radiation cured coating on a gypsum board (col 13, ln 8-23). It would have been obvious to have used the radiation cured coating of Takahashi et al. or Sugimoto et al. as the coating on the gypsum board product of Colbert, motivated by the desire to create a product having high surface hardness, excellent adhesive properties, and increased weathering properties.

3. Claims 3-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert (US 2004/0154264), Takahashi et al. (US 2003/0113520), and Sugimoto et al. (US 4,514,471), as applied to claim 1 above, and further in view of Randall et al. (US 2003/0203191). Colbert, Takahashi et al., and Sugimoto et al. disclose the claimed invention except for the teaching that the facing material is a non-woven mat of glass fibers or synthetic fibers or a blend of synthetic and mineral fibers. Colbert, Takahashi et al., and Sugimoto et al. also fail to disclose that a water-resistant additive is added to the gypsum core.

Randall et al. (US 2003/0203191) discloses a mat-faced gypsum board comprising a set gypsum core sandwiched between and faced with mats of glass fibers (abstract). The fibrous mat comprises material that is capable of forming a strong bond with the set gypsum comprising the core of the gypsum board. Examples of such material include a mineral-type material such as glass fibers and synthetic resin fibers. The mat can be woven or nonwoven in form [0038]. The core of the gypsum board also preferably includes a water-resistant additive [0023], such as siliconates, wax emulsions, or organopolysiloxane [0033] and [0035]. It would have been obvious to have used the glass and synthetic facer material of Randall et al. as the facers in the product of Colbert, Takahashi et al., and Sugimoto et al., motivated by the desire to create a product having

decreased delamination and increased strength. It also would have been obvious to have used the water resistant additive of Randall on the gypsum core of Colbert, Takahashi et al., and Sugimoto et al., motivated by the desire to create a gypsum product having increased water resistance.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR


Ula C. Ruddock
Primary Examiner
Tech Center 1700